

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

MAMADOU LY, as Beneficiary of the Estate of Maxwell Ly, deceased, <i>Plaintiff</i> vs. RIPLEY ENTERTAINMENT, INC., et al. <i>Defendants</i>	Case No. 6:18-03225-MDH
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**ORDER AND JUDGMENT APPROVING
CONFIDENTIAL WRONGFUL DEATH SETTLEMENT**

Before the Court is the Joint Motion for Confidential Settlement Approval of Plaintiff, Mamadou Ly (“Plaintiff”), and Defendants, Ride the Ducks International, LLC and Herschend Family Entertainment Corporation (“Defendants”) (collectively “the Parties”). The Court has reviewed the record before it and hereby **GRANTS** the motion.

Plaintiff has submitted evidence in support of the motion through an affidavit. Plaintiff’s affidavit was filed as Exhibit 1. Plaintiff has also submitted evidence in support of the motion through exhibits that were provided for the Court’s *in camera* review. The documents submitted for the Court’s *in camera* review were marked as Exhibits 2 through 5. The Parties have agreed to waive an in-person settlement hearing. The Court finds the confidential settlement is made in good faith and is fair and equitable to and in the best interests of all the Parties and that the settlement of this action should be and hereby is **APPROVED**.

Therefore, the Court orders, adjudges, and decrees as follows:

1. The Motion for Approval of Confidential Wrongful Death Settlement is brought pursuant to the provisions of Mo. Rev. Stat. § 537.080 *et seq.*

2. Plaintiff, Mamadou Ly, is the surviving natural father of Maxwell Ly (the “Decedent”).

3. Plaintiff, Mamadou Ly, is the only known Class One beneficiary of the Decedent. As such, he is entitled to bring an action for the wrongful death of the Decedent pursuant to Mo. Rev. Stat. § 537.080 and to receive the settlement proceeds for any and all potential claims arising from the death of the Decedent.

4. The Court is satisfied all class members have been duly served with notice pursuant to Mo. Rev. Stat. § 537.095.

5. The settlement amount of any and all potential claims arising from the death of the Decedent, as specified in Exhibit 2, is a fair and reasonable compromise of disputed claims and is hereby approved.

6. The total settlement sum shall be in full settlement, discharge and satisfaction of any and all claims, demands, and/or causes of actions which Plaintiff, as the sole class one beneficiary, may hereafter have against Defendants, Ride the Ducks International, LLC and Herschend Family Entertainment Corporation, or the other “Released Parties” identified in Exhibit 2, on account of or arising out of damage sustained as a result of the death of Maxwell Ly on July 19, 2018.

7. Plaintiff, Mamadou Ly, is hereby authorized and ordered to execute the Confidential Settlement Agreement and Full and Final Release of All Claims, provided to the Court for review as Exhibit 2, thereby releasing all claims against Defendants, and the other “Released Parties” referenced therein, that have arisen and may arise from the death of Maxwell Ly on July 19, 2018.

8. The Court finds that the attorneys' fees and expenses set forth in Exhibit 3, Exhibit 4, and Exhibit 5 submitted by Plaintiff and Plaintiff's counsel are approved as reasonable based upon the agreements between the Plaintiff and Plaintiff's counsel, the time, effort and experience of Plaintiff's counsel, and the recovery obtained for Plaintiff by Plaintiff's counsel.

9. Plaintiff is ordered to collect the settlement amounts and to acknowledge receipt and satisfaction of this judgment and, further, to distribute said judgment proceeds as ordered by this Court consistent with Exhibit 3 presented to this Court.

10. The Court hereby approves the settlement of this matter as herein described and the distribution of proceeds as described herein.

11. The Court further grants the Parties' request and orders that Exhibits 2 through 5, which were provided to the Court for review, now be withdrawn to protect their confidentiality.

IT IS SO ORDERED.

Date: December 17, 2020

/s/ Douglas Harpool
Douglas Harpool
United States District Judge